

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE  
ON DISARMAMENT

ENDC/PV.370  
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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND SEVENTIETH MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 27 February 1968, at 10.30 a.m.

Chairman:

Mr. A. EDELSTAM

(Sweden)

PRESENT AT THE TABLE:

Brazil:

Mr. J.A. de ARAUJO CASTRO  
Mr. C.A. de SOUZA e SILVA  
Mr. E. MOREIRA HOSANNAH  
Mr. A. da COSTA GUIMARAES

Bulgaria:

Mr. K. CHRISTOV  
Mr. B. KONSTANTINOV

Burma:

U KYAW MIN

Canada:

Mr. E.L.M. BURNS  
Mr. A.G. CAMPBELL

Czechoslovakia:

Mr. T. LAHODA  
Mr. V. VAJNAR

Ethiopia:

Mr. A. ZELLEKE  
Mr. B. ASSFAW

India:

Mr. M.A. HUSAIN  
Mr. N. KRISHNAN  
Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO  
Mr. G.P. TOZZOLI  
Mr. E. FRANCO  
Mr. F. SORO

Mexico:

Mr. A. GOMEZ ROBLEDO  
Mr. A. CARRANCO AVILA

Nigeria:

Alhaji SULE KOLO  
Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN  
Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO  
Mr. O. IONESCO  
Mr. C. GEORGESCO  
Mr. A. COROIANU

Sweden:

Mr. A. EDELSTAM  
Mr. L. ECKERBERG  
Mr. R. BOMAN

Union of Soviet Socialist  
Republics:

Mr. A.A. ROSHCHIN  
Mr. V.V. SHUSTOV  
Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF  
Mr. O. SIRRY  
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER  
Mr. R.A. RIDDELL

United States of America:

Mr. W.C. FOSTER  
Mr. S. DePALMA  
Mr. L.D. WEILER  
Mr. C.G. BREAM

Special Representative of the  
Secretary-General:

Mr. D. PROTITCH

1. The CHAIRMAN (Sweden): I declare open the 370th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Before calling on the representative of India to speak, I wish on behalf of the whole Committee to welcome back Mr. Foster, the Representative of the United States. We have missed him during the past five weeks of our work here and we are all very glad to see him back in good health.
3. Mr. HUSAIN (India): I feel highly privileged to be able to participate in the deliberations of the Eighteen-Nation Committee on Disarmament at this important stage of its discussion of a non-proliferation treaty. I should like to take this opportunity of thanking my colleagues who have welcomed my association with this Committee, and I should like to assure them of my full and earnest co-operation in fulfilling the tasks entrusted to this Committee.
4. I should also like to take this opportunity of welcoming Mr. Foster, the representative of the United States, who has done much to promote the work of this Committee. We are glad to see him fully recovered and we wish him the best of health for the future.
5. The presentation of the revised and identical drafts of a treaty by the delegations of the United States and the Soviet Union (ENDC/192/Rev.1, 193/Rev.1) marks an important development in our work. These revised texts contain several new features. A number of changes have been made as a result of the negotiations which took place last year and the various memoranda and working papers presented to the Committee. We recognize that they represent an improvement on the earlier identical drafts of 24 August 1967 (ENDC/192, 193), and we wish to associate ourselves with the tributes which have been paid to the United States and Soviet Union delegations for their untiring efforts.
6. We recognize also the sincerity and the earnestness with which the Soviet Union and the United States have worked in drafting this treaty; just as we recognize the importance which this approach signifies for the future of international co-operation as a whole. We note, however, that the revised text does not meet some of the more fundamental and basic requirements of an acceptable treaty and does not incorporate many of the important ideas and suggestions put forward by a number of delegations, including my own.

(Mr. Husain, India)

7. The deep and abiding interest of my Government in the field of disarmament is well known. India took the initiative in 1964 in inscribing for the first time on the agenda of the General Assembly an item under the title of "Non-proliferation of Nuclear Weapons". Unfortunately no discussion could take place during that year. It is a matter, however, of great satisfaction for my Government that this question has aroused the conscience of the international community, as evidenced by the fact that this item has continued to figure in the agenda of all subsequent sessions of the General Assembly.

8. I recall the inscription by India of the item "Non-proliferation of Nuclear Weapons" in 1964 because during the earlier years it was only the question of non-dissemination or a further spread of nuclear weapons which had been debated in the General Assembly and elsewhere. The difference between dissemination and proliferation of nuclear weapons is, I submit, not a mere matter of semantics but one of substance and significance. Our persistent plea that the international community should concern itself with proliferation in all its manifestations rather than with mere dissemination, which is only one aspect of it, is in our view fully vindicated by past experience and the past history of attempts to prevent a spread of nuclear weapons.

9. I do not wish to go into details which are well known to all of us in this Committee, but will content myself with pointing out that the very fact that the number of nuclear-weapon Powers has increased from one in 1945 to two in 1949, three in 1952, four in 1960 and five in 1964 is proof of the failure of that limited approach. The urge to seek greater security -- however imaginary or illusory this may eventually prove to be -- by acquiring nuclear weapons cannot be curbed by a prohibition applied only to those that do not already possess them. It can be effectively controlled only by attacking the root of the evil: namely the state of insecurity caused in the world by the possession of these weapons of horror and mass destruction by a few Powers. The desire to emulate the example of those that have become nuclear-weapon Powers will be difficult to resist as long as the world lives in a state of imbalance. It can be eliminated only if we do away with the special status of superiority associated with power and prestige conferred on those Powers by nuclear weapons.

(Mr. Husain, India)

10. It is true that the nuclear menace can be eliminated only by nuclear disarmament; but it is also equally true that the first step that we take in this direction should be not only to prevent the spread of nuclear weapons but also and simultaneously to inhibit the further development and stockpiling of nuclear weapons. In other words, a way out of the present impasse can be found only through prevention of both the aspects of proliferation of nuclear weapons, which have been variously termed as present and future proliferation, or existing and further proliferation, or vertical and horizontal proliferation. Both these aspects of the proliferation of nuclear weapons form part of a single whole, and the problem cannot be dealt with by dealing with only one aspect of it. This element is essential and central to our concept of a non-proliferation treaty.

11. From what has been stated in this Committee during the current and the last session, my Government is aware that some delegations hold a somewhat different concept of the proposed treaty; but equally the position of the Government of India is well known and has been given expression to both here and in the General Assembly. At the last session of the General Assembly on 14 December 1967 our representative stated:

"... we should like to emphasize again that an acceptable and satisfactory treaty on non-proliferation should prevent three aspects of proliferation: first, an increase in nuclear arsenals; second, a spread of nuclear weapons over the world, and, third, an increase in the number of nuclear weapon Powers. An acceptable and effective treaty, therefore, is one which prohibits existing proliferation among nuclear-weapon Powers, the dissemination of nuclear weapons and weapon technology from one country to another, and further or possible proliferation among hitherto non-nuclear weapon Powers".

(A/C.1/PV.1551, p.52)

12. It is agreed on all sides in this Committee that, as laid down in General Assembly resolution 2028 (XX) (ENDC/161), which provides the guidelines to this Committee for drafting a treaty on non-proliferation of nuclear weapons, there must

(Mr. Husain, India)

be an "acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers". It has been the view of my delegation before -- and it continues to be the view now -- that certain basic features of the draft treaty before us do not conform to that principle. The first and most obvious and important lack of balance is that, while the non-nuclear-weapon Powers undertake not to proliferate, there is no comparable obligation placed upon the nuclear-weapon Powers, which would be free to continue to produce more weapons and to further improve such weapons.

13. In that connexion I may also recall that of the five principles enunciated in resolution 2028 (XX) the first requires:

"The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".

The reference here is to both nuclear and non-nuclear-weapon Powers, as is evident from the preamble to resolution 2153A (XXI) (ENDC/185) of the following year, which expressed apprehension about "an increase of nuclear arsenals". The report of the Secretary-General on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons also lays stress on this, when it says -

"So far as international security is concerned, it is highly probable that any further increase in the number of nuclear weapons States or any further elaboration of existing nuclear arsenals would lead to greater tension and greater instability in the world at large. Both these aspects of the nuclear arms race are significant to world peace." (A/6858, para.82)

14. The United Nations having thus recognized that the proliferation of nuclear weapons in the nuclear-weapon countries is a matter of major preoccupation to be viewed with equal apprehension, it is clear that a non-proliferation treaty should have sought to meet that apprehension. The only effective way in which this could have been done was to include an obligatory provision in the treaty for a cessation of further production of nuclear weapons and what has been called in technical parlance a "cut-off" of production of fissionable material for weapon purposes. But there is no such provision in the draft treaty.

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15. Further, articles I and II of the draft treaty do not prevent the deployment of nuclear weapons on the territories of non-nuclear-weapon States; nor do they prevent the training in the use of nuclear weapons of the armed personnel belonging to non-nuclear-weapon States. Also, while article I calls upon the nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon States to manufacture or acquire nuclear weapons, it does not prohibit one nuclear-weapon State from assisting another nuclear-weapon State, which may not have reached the same degree of sophistication in the development of its nuclear-weapon technology, by providing technical aid, say, in the way of blueprints for the manufacture of more sophisticated nuclear weapons. These lacunae are a matter of deep concern to a large number of non-nuclear-weapon States.

16. It is even more disturbing when we find that one-sided prohibitions on non-nuclear-weapon States apply also in regard to nuclear explosive devices for purely peaceful purposes. In this connexion it has been stated in this Committee that non-nuclear-weapon countries should be prohibited from developing this technology or producing such explosives themselves because the technology for making nuclear explosives for peaceful purposes is the same as that for making nuclear weapons.

17. The Indian delegation has in the past expressed reservations about the view that there is no real difference between a peaceful nuclear device and a nuclear weapon. In this connexion I need not recall the serious and protracted discussions on the Plowshare in 1958 and 1960, when the need for and possibilities of peaceful nuclear explosions by all were recognized; but difficulties over modalities connected with the test-ban treaty made it difficult to come to an agreement. A possible solution is one which has been envisaged in article 18 of the Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186). It should not, therefore, be beyond the ingenuity of the negotiators around this table to provide in a generally-acceptable manner for an unhampered use of nuclear energy for peaceful purposes by non-nuclear-weapon Powers as by nuclear-weapon Powers. While India is fully in favour of the non-proliferation of nuclear weapons, it is equally in favour of the proliferation of nuclear technology for peaceful purposes.



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18. We have been told that, as provided in article V, if the non-nuclear-weapon States were to deny themselves the technology of making peaceful nuclear explosions, any potential benefits from peaceful applications of nuclear explosions, as and when these become economically and technically feasible, would be made available to them, freely and at economically-attractive costs. We do not doubt that the nuclear-weapon Powers will wish to give generously of the benefits of the peaceful uses of the atom. However, the issue involved here is something more basic than the mere question of distribution of benefits.

19. Mankind everywhere should be free not only to share in the benefits but also to acquire the knowledge of extracting such benefits by itself and to have the freedom to use such knowledge. Since nuclear technology is the technology of the future and is likely to become the most crucial and potent instrument of economic development and social progress, it would obviously be invidious for a greater part of the world to become wholly dependent on a few nuclear-weapon States for the knowledge and application of this technology. When it is proposed that this should be done for an initial period of twenty-five years regardless of any technological break-through during that period, would this not widen the economic and technical gap which already exists and which the developing countries are striving hard to close, as is at present being attempted in the deliberations of the United Nations Conference on Trade and Development in New Delhi?

20. There is yet another feature of the treaty which causes concern, and that relates to safeguards provided in article III, which apply only to non-nuclear-weapon States, making the obligation entirely one-sided. The Indian Government has been consistently of the view that the safeguards should be universally applicable and be based on objective and non-discriminatory criteria. The Indian delegation is aware that two nuclear-weapon States have made statements indicating their willingness to accept the safeguards provided in the draft treaty (ENDC/206, 207); but this acceptance, apart from the fact that it is not agreed to by the other nuclear-weapon Powers, is subject to "national security", the scope of which presumably would be defined by the nuclear-weapon States themselves, making the application of the safeguards illusory in practice.

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21. While on the subject of safeguards, apart from the feature of paragraph 2 of article III I have just mentioned, we note that in the application of the whole safeguards system a certain flexibility has been envisaged. Paragraph 4 of this article speaks of non-nuclear-weapon States party to the treaty concluding agreements with the International Atomic Energy Agency "either individually or together with other States". It is not stated that these agreements would be uniform, one not being more onerous than the other, whether negotiated by individual countries or by a group of countries. In regard to the application of safeguards, we hope it is not the intention that different standards should be applied to those who accede to the treaty.

22. I now come to the question of disarmament, which, according to successive General Assembly resolutions, is the *raison d'être* of this Committee. The mandate of our present deliberations is General Assembly resolution 2346A (XXII) of 1967 (ENDC/210). That resolution reaffirmed resolution 2028 (XX) of 1965, of which paragraph 2 (c) required that the "treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament". It also reaffirmed General Assembly resolution 2153 A (XXI) of 1966 (ENDC/185), which viewed with apprehension not only "an increase in the number of nuclear-weapon Powers" but also "an increase of nuclear arsenals". It is clear that these General Assembly resolutions refer to "nuclear disarmament" and stoppage of an "increase of nuclear arsenals". It was therefore logical that the joint memoranda of 1965 and 1966 presented by the eight non-aligned members of the Eighteen-Nation Committee on Disarmament (ENDC/158, 178) should have stressed that the treaty should be designed to halt the nuclear arms race.

23. Some members of this Committee have spoken of the draft treaty before us as a first step towards nuclear disarmament and the cessation of the nuclear arms race and hailed it as an important step in the chain of direct and indirect steps towards disarmament and the elimination of the threat of nuclear war. I submit that that view is not supported by the relevant paragraphs of the preamble or the new article VI of the draft treaty. While the addition of article VI is a most welcome development, the mere declaration of good intent does not provide any credible commitment on the part of the nuclear-weapon Powers.

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24. The preamble does mention the desire for "the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery"; but there is no commitment in the treaty itself regarding the stoppage of vertical proliferation as suggested by India; nor is there any time limit within which the objective of halting the nuclear arms race is to be achieved. In fact the quarter-century provided for in article X as the initial duration of the treaty appears to endorse and legitimize the present state of affairs and to legalize, if not encourage, the unrestricted vertical proliferation by the present nuclear Powers.

25. It has been stated in this Committee that article VI creates a juridical obligation of what was earlier only a declaration of intent in the preamble. Unfortunately that is not so; because, as at present drafted, the undertaking "to pursue in good faith", which nobody has ever doubted, does not create any definite or enforceable juridical obligation on the part of the nuclear-weapon States corresponding to the obligation undertaken under article II by the non-nuclear weapon States. It is an imperfect obligation with no sanction behind it. Even the areas within which the negotiations are expected to be pursued are not clearly defined. Apart from the fact that the draft treaty does not embody either a cessation of further production of nuclear weapons or a "cut-off" of production of all fissile materials for weapon purposes, there is no mention of some of the suggestions made in this Committee, such as (a) a comprehensive test-ban treaty or, to begin with at least, an immediate voluntary suspension of all underground nuclear weapon tests; and (b) a verified freeze of the production of delivery vehicles.

26. As against that, it has been stated -- not without some degree of validity -- that the non-proliferation treaty cannot be made a vehicle for measures of nuclear disarmament which need to be discussed separately and substantively and agreed upon, it being well known that there still remain serious differences between the nuclear-weapon Powers over those matters. If a non-proliferation treaty were to attempt to incorporate all or any of those measures, in view of the hitherto insuperable difficulties over the question of verification the conclusion of this treaty -- so the argument runs -- would be postponed indefinitely.

27. Even if that were conceded, it still remains to be stated that article VI does not give any tangible form to the declaration of good intent, there being no sense of compulsive obligation or even a sense of urgency to pursue negotiations for nuclear

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disarmament as a preliminary to general and complete disarmament. It was for this reason that the delegations of Brazil, Sweden, Mexico, Romania, Burma and the United Kingdom suggested importing into the draft treaty some sense of urgency, and that was not without good reason. As stated by the leader of the Brazilian delegation:

"... the ultimate answer to the question of checking the proliferation of nuclear weapons is the creation and maintenance of conditions of world security so that no nation can have a motive for producing or otherwise acquiring nuclear weapons." (ENDC/PV.327, para. 8)

28. Various suggestions were therefore made to impart to it the sense of urgency and compulsiveness I have spoken of. Those suggestions, in addition to asking for negotiations to be undertaken at an early date, proposed that the question of the cessation of the nuclear arms race should be examined at the review conference or conferences due to be held after five years and, if satisfactory progress had not been made, parties should consider the situation created and decide on the measures to be taken. It was even suggested that the failure to fulfil in good faith what is now proposed in article VI should be regarded as an additional ground for withdrawal from the treaty.

29. We are all aware that there is no family planning among nuclear-weapon Powers: there are already four or five generations of increasingly more sophisticated nuclear weapons and their delivery systems. There is development in hand of MIRV, which is expected to increase the nuclear weapon power of a missile by a factor of ten or more. In addition to anti-ballistic missiles and Poseidons, there is talk also of the FOBS and the Space Bus. Each of these developments gives rise to the inevitable action-reaction phenomenon of the nuclear arms race, making even more difficult the halting of the nuclear arms race, as has been evident from the inability to make even the partial test-ban treaty (ENDC/100/Rev.1) comprehensive.

30. India, it is well known, has pleaded for various collateral disarmament measures for two decades now, and has always regarded the non-proliferation treaty as one of those measures; but it still needs to be convinced that the draft treaty before us does amount to a collateral disarmament measure. In order to become generally acceptable the treaty must provide within itself a positive obligation with some degree of compulsiveness and within a reasonable time limit, indicative of a sense of urgency on the part of the nuclear-weapon States to move towards nuclear disarmament, thus

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paving the way for general and complete disarmament; otherwise this non-proliferation treaty, no matter who and how many sign it, will not be effective and will not last, and our labours will have been in vain.

31. If I have dwelt at some length on the disarmament aspect of the non-proliferation treaty, it is because I wish to emphasize the limitations of the kind of treaty now envisaged and the serious implications of those limitations, particularly for countries in Asia and in the Pacific. It is a matter of concern to India that across its border a major Power, China, not having acceded to the partial test-ban treaty, continues to conduct nuclear-weapon tests in the atmosphere in flagrant violation of the will of the international community and in total disregard of the grave dangers posed by such testing to the welfare of millions of people. In a little over three years it has had seven nuclear tests, including the testing of a thermonuclear device.

32. The growing nuclear-weapon capacity of China is thus a matter of concern not only to non-nuclear-weapon Powers but also to nuclear-weapon Powers. In our opinion this concern, so widely shared all over the world, only further emphasizes the urgency of early and effective implementation of measures of nuclear disarmament; and it further underlines the need, to which I have referred earlier, for an acceptable and balanced non-proliferation treaty to prevent further proliferation of nuclear weapons by all nuclear-weapon Powers, including China, and to provide a more direct, juridical and compulsive link with further measures of nuclear disarmament.

33. While I have spoken of the basic features of the draft treaty, it does not mean that the procedural provisions of the draft treaty could not also be improved upon. I shall, however, not dwell on them, as they have already been dealt with at some length by several of my colleagues, some of whom have proposed amendments for the consideration of this Committee. It has been stated, for example, that the entry into force of the treaty has been made too easy, while its amendment has been made too difficult. It has been suggested that similar criteria should apply. It has been proposed that the review conference provided under paragraph 3 of article VIII should be enjoined specifically to consider the implementation of the provisions relating to peaceful uses of nuclear energy and the progress towards nuclear disarmament under article VI; also that further such periodic conferences to review the operation of the treaty should be convened; and, further, that the initial quarter-century

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duration of the treaty is too long, especially in the light of the tremendously rapid advance in the field of nuclear technology, and that this period should be reduced or made subject to consideration at each quinquennial conference designed to consider the realization of the purposes of the preamble and the provisions of the treaty. I have no doubt that those valuable suggestions will be given the most careful and serious consideration by the Committee and the sponsors of the draft treaty.

34. In conclusion, I should now like to come back to the point I made earlier. The danger to the security of the world arises not merely from the possible spread of nuclear weapons to non-nuclear-weapon States but also from the continued possession and further production of these weapons of mass destruction by the nuclear-weapon Powers. India shares the common anxiety that this danger and risk should be checked and eliminated; we share the sense of urgency that has persuaded all of us to negotiate so earnestly measures for achieving that end.

35. However, we cannot share the belief that the urgency for action is created solely by the possibility that a few of the States with present nuclear capacity may renounce their expressed decision not to acquire or to produce nuclear weapons, and that the only immediate step now required is to inhibit them. Surely such an inhibition should apply equally to all, including nuclear-weapon States. It is a question not of bargaining over rights and obligations, but of what is essential for ensuring the peace and safeguarding the security of the world.

36. I hope from what I have said it is clear where exactly India stands. We have always held that all proliferation of nuclear weapons is evil and we stand firmly by that conviction; we have maintained that this evil should be checked by common consent and international control. However, we are equally convinced that this common objective -- which all of us here and mankind in general share -- cannot be achieved except through a viable treaty, one which will take into account not only the fears of the few but the preoccupations of all, impose equal obligations on all, confer the same benefits of security and progress on all and therefore become acceptable to the international community as a whole -- a treaty which will endure, one that will not merely take cognizance of the undeniable realities of political fact and military power and technological superiority as they exist in the world of today but will also provide for the equally incontrovertible realities of the changes that will occur in these various fields in the years to come.

37. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): First of all, Mr. Chairman, permit me to associate myself with your words of welcome to the United States representative, Mr. Foster, on his return to the Eighteen-Nation Committee. He is a co-Chairman of the Committee and his active participation in the Committee's work is well known to us all.

38. We have listened with great interest to the very important statement which the representative of India, Mr. Husain, has just made. We should like to assure him that his statement will be carefully studied by us. We intend to deal today with some of the points raised by him, in his statement, and to state our position in regard to them.

39. In our statement today we should like to put forward some considerations concerning individual provisions of the treaty on non-proliferation of nuclear weapons in the light of the remarks and proposals made by members of the Committee during the discussion of the draft treaty which is now before us (ENDC/192/Rev.1, 193/Rev.1).

40. First of all, we should like to note the incontrovertible and, it seems to us, unanimous view of members of the Committee that the conclusion of a treaty to prevent the further spread of nuclear weapons would represent an important advance in the field of the adoption of effective measures for strengthening peace and the security of all countries. That view has been expressed in very convincing terms and with the support of weighty arguments by many representatives in the Committee.

41. Of course, in order to be an effective means of preventing an increase in the number of nuclear-weapon States, the non-proliferation treaty must preclude the possibility of any loop-holes by taking advantage of which any particular non-nuclear-weapon State party to the treaty could in fact set out to create its own nuclear arsenal. That requirement represents the corner-stone of the draft treaty now before the Eighteen-Nation Committee, which provides in particular a ban on the spread not only of nuclear weapons but also of nuclear explosive devices used for peaceful nuclear explosions; because such devices, whether for peaceful or military purposes, do not differ essentially and their proliferation would clearly mean not only an indirect but also a direct proliferation of nuclear weapons themselves.

42. We note with satisfaction that the measures provided in the draft treaty in regard to preventing the proliferation of nuclear explosive devices for peaceful uses have received definite support in the Eighteen Nation Committee. This clearly shows that the members of the Committee are fully aware of the real situation which has come about in solving the problem of non-proliferation of nuclear weapons in relation to the

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question of nuclear explosive devices, and that they are willing to accept a solution which fully corresponds with the provision of general Assembly resolution 2028 (XX), (ENDC/161), which various members of the Committee have repeatedly quoted in their statements, to the effect that "The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".

43. In stressing our satisfaction at the position of many members of the Committee on the question of nuclear explosive devices used for peaceful purposes, we can nevertheless not overlook the fact that there is a point of view which holds that a non-proliferation treaty should recognize the right of the parties to the treaty to produce and use nuclear explosive devices for peaceful purposes. In this case we are referring to the position of Brazil, which, as is evident from the statement of its representative, Mr. de Araujo Castro, resolutely objects to the non-proliferation treaty prohibiting the production and use of nuclear explosive devices for peaceful purposes by States not possessing nuclear weapons (ENDC/PV.367, para. 67). In accordance with that position, nuclear explosions for peaceful purposes could be carried out by such States by means of devices similar to those used in nuclear weapons. The representative of India, Mr. Husain, also spoke in his statement today on the question of the proliferation of peaceful nuclear explosions.

44. Given the fact that nuclear explosive devices essentially do not differ in any way from explosive devices used for military purposes, that is from nuclear weapons, could we refuse to include in this treaty a ban on the proliferation of any nuclear explosive devices of any type, including those intended for peaceful purposes?

45. As for our reply, we say most emphatically that such a treaty would be in blatant contradiction of the aim of non-proliferation and would certainly not meet the requirement of General Assembly resolution 2028 (XX), to which we have referred, as have nearly all the members of the Eighteen-Nation Committee who have spoken here. If we agreed to the inclusion in the treaty of a provision which would allow for the proliferation of nuclear explosive devices for peaceful purposes, we should bury the very idea of concluding a treaty on non-proliferation and the solution of the non-proliferation problem as a whole. A treaty that allowed the creation of national nuclear arsenals by States not at present possessing nuclear weapons would serve the purposes of those who oppose the adoption of effective measures to prevent the proliferation of nuclear weapons.



(Mr. Roshchin, USSR)

46. In this connexion I should like to quote a remark made by the representative of Poland, Mr. Blusztajn:

"... I hope that, after the long discussions we have had in this Committee they" -- that is, those opposing a ban on the proliferation of nuclear explosive devices -- "will appreciate that this is not a problem that can be solved by a simple yes or no, and that if we admitted the right of signatory countries to produce or possess nuclear devices for peaceful purposes, we should deprive the non-proliferation treaty of its substance" (ENDC/PV.359, para. 10)

47. Speaking of the need for the non-proliferation treaty to contain a ban on the proliferation of nuclear explosive devices for peaceful purposes, we note that the renunciation under this treaty by non-nuclear-weapon countries of the production and use of such nuclear explosive devices will not cause them any prejudice should the need arise for them to carry out peaceful nuclear explosions for the implementation of any projects connected with the development of their national economy. Furthermore, the provisions of the draft treaty, which lay down the procedure for the use of nuclear explosive devices for peaceful purposes, stipulate that potential benefits from any peaceful nuclear explosions shall be made available to non-nuclear countries without hindrance on economically favourable and non-discriminatory terms.

48. During the discussion of the draft treaty on non-proliferation of nuclear weapons, the representatives of Canada (ENDC/PV.368, para. 14) (ENDC/PV.364, paras. 10 et seq.) Sweden, and the United Arab Republic (ENDC/PV.367, para. 31) expressed fears that the procedure provided for by the draft treaty for carrying out peaceful nuclear explosions might create loop-holes for the proliferation of nuclear weapons. We, of course, maintain the position that none of the provisions of the non-proliferation treaty should contain loop-holes for the proliferation of nuclear weapons. But in our opinion there is no reason to fear that the procedure laid down in the draft treaty for carrying out peaceful nuclear explosions might contain the possibility of a loop-hole for the proliferation of nuclear weapons.

49. In this connexion one should above all bear in mind the obligations which parties to the non-proliferation treaty assume under articles I and II of the treaty. The prohibitions laid down by the provisions of articles I and II extend also to those nuclear explosive devices which are intended for peaceful nuclear explosions, whatever the procedure whereby these explosions are carried out --whether on a bilateral basis or through an appropriate international body. The use of nuclear explosive devices for peaceful purposes should meet the requirements of articles I and II of the treaty, and should in no case serve as a means of direct or indirect proliferation of nuclear weapons.

(Mr. Roshchin, USSR)

50. As can be seen from article V of the draft treaty, that article contains the basic principles for carrying out peaceful nuclear explosions and lays down the main elements of the procedure for the use of nuclear explosive devices for peaceful purposes. It would hardly be possible within the framework of a non-proliferation treaty to cover all aspects of the procedure for carrying out peaceful nuclear explosions. The treaty confirms the principle that any use of nuclear explosive devices for peaceful purposes shall not serve as a means for the proliferation of nuclear weapons and lays down the basic provisions for putting this principle into practice. As for the more specific details connected with the embodiment of this principle in appropriate international procedures or in a special agreement or agreements of the kind referred to in article V, this is a question that will have to be considered on the practical level in due course in the future.

51.. At the same time we should like to emphasize that, as regards the implementation of article V of the non-proliferation treaty and in particular of those provisions of that article which relate to the carrying out of peaceful nuclear explosions on a bilateral basis, the Soviet side will abide strictly by article I of the treaty which, in prohibiting both the direct and the indirect proliferation of nuclear weapons, also lays upon the nuclear-weapon States the obligation not to transfer to any recipient whatsoever nuclear explosive devices to be used for peaceful nuclear explosions. Appropriate international procedures for carrying out peaceful nuclear explosions should be worked out in such a way that parties to the treaty will have the assurance that the obligation concerning the non-proliferation of nuclear weapons will not be violated.

52. In connexion with article V on nuclear explosions for peaceful purposes, the representative of Sweden, Mrs. Myrdal, expressed the hope at the Committee's meeting of 13 February that no provision of the treaty on non-proliferation would be "construed in such a way that it might impede the conclusion of a comprehensive test-ban treaty (ENDC/PV.364, para. 10)". We share this hope of the delegation of Sweden and, for our part, consider that the conclusion of a treaty on non-proliferation will contribute to the cessation of underground test explosions of nuclear weapons.

53. If, in connexion with an agreement on the prohibition of these tests, it becomes necessary to make certain additions to or changes in the international procedure

(Mr. Roshchin, USSR)

for carrying out peaceful nuclear explosions provided for by article V of the non-proliferation treaty, this problem must be carefully considered and duly taken into account at the proper time. In any case the procedure for carrying out nuclear explosions for peaceful purposes must never serve as a loop-hole for the proliferation of nuclear weapons or for the violation of a future agreement on the prohibition of underground testing of nuclear weapons.

54. In our statement today we should like to dwell further on some of the observations made by the representative of the United Arab Republic, Mr. Khallaf, at the 367th meeting on articles I and II of the draft treaty on non-proliferation. The delegation of the United Arab Republic again confirmed its amendments to the first two articles of the treaty submitted by it on 26 September 1967 (ENDC/197).

55. The Soviet side has studied those amendments carefully and considers that, being designed to clarify and elaborate the provisions of articles I and II, they are prompted by a sincere desire to ensure that the treaty becomes a reliable obstacle to the proliferation of nuclear weapons in any form. The Soviet Union, in taking its stand in favour of the non-proliferation of nuclear weapons, has always endeavoured to ensure that the treaty on that subject should not contain any loop-holes that would open up channels --direct or indirect --for the proliferation of nuclear weapons. That was the aim it had in mind in preparing the most important articles of the treaty, such as articles I and II on the basic obligations of parties to the treaty.

56. The Soviet delegation, while noting the positive motives underlying the United Arab Republic's amendments to articles I and II, would like at the same time to emphasize that in practice those articles in their present form close all paths to the proliferation of nuclear weapons in any form, that is, they achieve the purpose of the amendments submitted by the United Arab Republic. Thus the delegation of the United Arab Republic expressed the fear that persons, companies, enterprises or private, public or semi-public bodies subject to the jurisdiction of nuclear-weapon States parties to the treaty and engaged in nuclear activities might participate in the acts prohibited by article I of the treaty. We certainly do not deny that acts of that kind by such persons or organizations could represent a danger from the point of view of the indirect proliferation of nuclear weapons.

57. But if we turn to the text of article I, the conclusion to be drawn from it immediately is that in practice all ways of proliferation are prohibited by the treaty, since it mentions the obligation of the nuclear-weapon States not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices --I should like to draw the attention of members of the Committee to the words "to any recipient whatsoever" --or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist in their manufacture. It follows from that provision that the nuclear-weapon States which accede to the treaty undertake to take appropriate measures to ensure the implementation of the aforesaid obligation.

58. Apart from the particular case of a possible indirect proliferation of nuclear weapons to which the United Arab Republic's amendment to article I relates, there may also be other cases, but they are all covered by the general provision of the prohibition contained in article I. Moreover, a similar provision to that of article I, to which I have just referred, a provision which states that nuclear weapons must not be transferred "to any recipient whatsoever" but is addressed to the recipients of objects and activities whose proliferation is banned, is contained in article II, which prohibits parties from receiving the transfer "from any transferor whatsoever". I should like to emphasize the words "from any transferor whatsoever". These general provisions of articles I and II are broad in scope and are well known to cover all possible recipients of nuclear weapons - non-nuclear-weapon States, multilateral organizations or associations, and any private individuals or associations.

59. As regards the amendment proposed by the United Arab Republic to article II concerning the obligation of each non-nuclear-weapon State not to assist or to encourage other non-nuclear-weapon States to manufacture or acquire nuclear weapons, in substance this amendment is covered by the meaning of article II and the preamble to the treaty. If a non-nuclear-weapon State party to the treaty were to assist another non-nuclear-weapon State to manufacture or acquire nuclear weapons, such a case --I repeat, according to the meaning of article II and the preamble to the treaty --would be regarded as a violation of the treaty. Faced with such a case, each party to the treaty would regard such an act as violating the agreement on the non-proliferation of nuclear weapons, and creating a threat to the security of all States.

60. Moreover, the aims of the United Arab Republic's amendments to articles I and II are covered by the provisions of article III, which is designed to ensure the fulfilment of the basic obligations under the treaty. The aim of this article is to ensure that the source of special fissionable materials which serve as a basis for the manufacture of nuclear weapons are not diverted to the manufacture of such weapons.

61. Paragraph 2 of this article contains an important provision to the effect that all parties to the treaty --nuclear-weapon States as well as non-nuclear-weapon States -- undertake not to provide any non-nuclear-weapon State with fissionable material or equipment for the processing or production of special fissionable material unless the fissionable material is subject to the safeguards required by the treaty. This provision is directly related to the closing of all those possible loop-holes for proliferation which are mentioned in the amendments of the delegation of the United Arab Republic to articles I and II of the treaty. The meaning of this provision is that no State party to the treaty has the right to transfer to any non-nuclear State fissionable materials or the appropriate equipment for the processing of such materials in circumvention of the safeguards laid down in the treaty, no matter in whose ownership --whether that of private individuals or the State --such materials or equipment may be.

62. This prohibition is a definite barrier to any attempts by non-nuclear States parties to the treaty to give any assistance whatsoever to other non-nuclear States in creating their own nuclear potential. The application of safeguards to the peaceful nuclear activities of non-nuclear States, based on the safeguards system of the International Atomic Energy Agency, will enable observation to be carried out to ensure that these countries, in their relations with other States in the nuclear field, do not infringe the obligations assumed by them under article II of the treaty. We consider that these provisions cover the questions of the delegation of the United Arab Republic and correspond to the objective of the non-proliferation of nuclear weapons.

63. Thus the Soviet delegation very definitely considers that in practice articles I, II and III of the draft treaty in their present form close those ways to the proliferation of nuclear weapons which have been mentioned in the statement and in the amendments of the representative of the United Arab Republic, and that they thus ensure the achievement of the aims of those amendments. From the statements made by those who have taken

part in our discussion it can be seen that this conclusion is shared by other delegations, namely that the aforesaid articles fully correspond to the most important principle of General Assembly resolution 2023 (XX), which calls for the closing of all loop-holes for the proliferation of nuclear weapons.

64. We should now like to dwell on another very important question, on the settlement of which the successful conclusion of the work of drafting a treaty on the non-proliferation of nuclear weapons largely depends. We are referring to the question of the place to be occupied by the treaty on non-proliferation within the whole series of measures to eliminate the nuclear threat and to solve the problem of disarmament. A number of representatives who have spoken here have made critical comments on article VI of the draft treaty, concerning further measures in this field. This question was referred to by the representative of India, Mr. Husain, in the statement he made today. The most detailed comments on this article were contained in the question raised by the representative of Romania, Mr. Ecobesco, in the statement he made on 6 February, namely:

"... do the nuclear Powers agree that it is essential to place the treaty on non-proliferation in a set of measures designed to lead to cessation of production of nuclear weapons, prohibition of underground tests for military purposes, and the reduction and, eventually, the elimination of existing stocks of nuclear weapons and the means of their delivery? If so, how can one justify the absence from the draft treaty of a firm legal obligation binding the nuclear Powers to undertake specific measures of disarmament and particularly nuclear disarmament?" (ENDC/PV.362, para. 5)

65. In this case it is proposed to link the non-proliferation treaty in a single package with the implementation of such extremely important and far-reaching measures in the field of nuclear disarmament as cessation of production of nuclear weapons, prohibition of underground tests, and reduction and elimination of existing stocks of nuclear weapons and the means of their delivery. That is to say, it is in fact proposed to link the aim of non-proliferation with the solution of the problem of complete nuclear disarmament.

66. Such an approach to the question, which goes far beyond the framework of the aims of a treaty on non-proliferation of nuclear weapons, is fraught with definitely negative consequences for the solution of the problem on which the Committee is now working. The experience over many years of the discussion of disarmament questions in the Eighteen-Nation Committee, in the United Nations Disarmament Commission and in the General Assembly has shown that the concept of an overall solution of the problems of nuclear disarmament should not be set against the possibility of achieving agreement on individual partial measures; otherwise all measures in the field of disarmament on which agreement can be achieved will be blocked by the requirement for the simultaneous implementation of overall disarmament measures.

67. We have pointed out on several occasions that the conclusion of a treaty on the non-proliferation of nuclear weapons is not only one of the most urgent problems of our times, but is also a question on which the fundamental positions of the overwhelming majority of the countries of the world, which are concerned at the threat of the proliferation of nuclear weapons, are in agreement. This is an urgent problem and we appear to have come close to solving it. But we are faced with two alternatives: either to continue the work on the non-proliferation treaty on the basis of the agreed provisions contained in the draft treaty, which have received wide support both within and outside the Committee, or to tie up the problem of non-proliferation of nuclear weapons in a single package with other unsettled disarmament problems and thereby put off the conclusion of a non-proliferation treaty for a long time.

68. In this connexion one cannot fail to take into account the fact that in regard to the questions of nuclear disarmament mentioned by the representative of Romania there are at present considerable divergencies in the positions of States and that the negotiations on these questions do not allow us to count on achieving successful results in the near future. The question arises: are we to defer our negotiations on non-proliferation, which are progressing successfully, until a solution is found to other problems of nuclear disarmament? We of course cannot agree to such an approach to the question. We cannot fail to realize that, if we were to take that course, we should have to abandon the solution of the problem of non-proliferation

of nuclear weapons. To do so in the present specific circumstances would adversely affect the solution of other disarmament problems and the disarmament problem as a whole.

69. We note with satisfaction that many delegations in the Committee have also noted the difficulties which would arise in the preparation of a treaty if we were to link its conclusion with the solution of other disarmament problems. Thus, in analysing the comments on and amendments to article VI of the draft treaty, the representative of the United Arab Republic, Mr. Khallaf, said:

"We are convinced that we must not be too hasty in this very delicate matter, or try to overload article VI with too many details."

(ENDC/PV.367, para. 36)

The same idea was expressed by the representative of Bulgaria, Mr. Christov, on 30 January:

"But it was abundantly clear from the beginning of the discussion that any attempt to link the non-proliferation treaty to specific measures of nuclear disarmament would run into insurmountable difficulties at this stage of the negotiations. It was to be feared that they could delay the discussion and even cause it to break down." (ENDC/PV.360, para. 17)

70. We have repeatedly stated that the Soviet Union is in favour of the most radical and speedy solution of the problem of disarmament, including nuclear disarmament, and is prepared to take any steps in this field, in regard to which there is any possibility of reaching agreement. That is precisely why the Soviet Union is prepared to assume the obligation in accordance with article VI and the preamble to the treaty to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

71. Those are the few comments we deemed it necessary to make in connexion with the discussion in the Committee of the draft treaty on the non-proliferation of nuclear weapons.



72. Mr. FOSTER (United States of America): Thank you, Mr. Chairman, for your kind words on behalf of the Committee and on your own behalf welcoming me on my return. I also thank the representative of India and my distinguished fellow co-Chairman for their kind words of welcome.

73. I have listened with great interest to the thoughtful statements by the Indian representative and by my fellow co-Chairman. We shall study both those statements and shall be prepared later to comment on some of the points that have been made in them.

74. It is with great pleasure that I resume my participation in the Committee's task of drafting a treaty to prevent the proliferation of nuclear weapons. My pleasure is enhanced by the work of the Committee during the past few weeks. Having followed the Committee's work closely, but from a considerable distance, during these weeks, I perhaps have had the advantage of a particularly good perspective for assessing our progress.

75. I would say that the Committee's discussions have been remarkable for the businesslike way in which they have tended to focus on the key issues to be resolved in this treaty and for the manner in which the concerns of various members are being considered. It seems to me that the recent discussions have clearly shown determination to achieve a non-proliferation treaty as a matter of urgency. They have reflected a broad consensus that the treaty should not only be effective in halting the threat of proliferation but should also facilitate international co-operation in the peaceful uses of atomic energy by all parties. This consensus also encompasses the view that the treaty should serve as a means of accelerating progress towards further measures to put an end to the nuclear arms race and to begin the process of reducing existing arsenals.

76. It remains for us now to expedite our work so that we can prepare a full report on these negotiations by 15 March in accordance with the recommendation of the last session of the General Assembly. We should be able to accomplish this task. I am sure that as we near the successful completion of years of negotiation we cannot but become more conscious of the political significance of what we are about to accomplish. During the years of slow progress, the justified demand voiced in this Committee and echoed in the General Assembly was for achieving a significant next step; that next step is now at hand. It is in that perspective that I know we will all approach our task during the remainder of this session.

(Mr. Foster, United States)

77. Today I should like to comment on several of the issues raised by the representative of the United Arab Republic at our 357th meeting. Some of Ambassador Khallaf's questions concern matters which have been discussed here in recent statements by the United States delegation and in the statement made today by the distinguished representative of the Soviet Union. Therefore I will limit my remarks today to those questions which still remain to be answered.

78. It is clear to me that the points advanced by the representative of the United Arab Republic are aimed essentially at making the treaty as strong and effective as possible. We share that aim. In particular, we share the desire, expressed as a principle in resolution 2028 (XX) (ENDC/161), that the treaty --

"... should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".

In this regard my delegation is convinced that the present draft treaty contains acceptable and workable provisions to ensure its effectiveness. I can assure the Committee that without this conviction the United States Government would not have found it possible to recommend the text now before us.

79. Mr. Khallaf has reaffirmed his delegation's desire for the type of amendments which he presented at our 333rd meeting. On that occasion he suggested the addition of the words "in any form whatsoever" (ENDC/197) to the first clause of article I for the purpose of ensuring that it prohibit all kinds of transfers of nuclear weapons. We agree with him that the text of this article must effectively fulfil its purpose. I can assure Mr. Khallaf that it is to this end that the first clause of article I already states an undertaking on behalf of the nuclear-weapon States --

"... not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly".

It thus prohibits in a straightforward and comprehensive manner the transfer of nuclear weapons "directly or indirectly". Therefore we believe that the addition of words like "in any form whatsoever" would not strengthen the article, which is already free of loop-holes.

80. The representative of the United Arab Republic also proposed an addition to article I which would provide that --

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"Each nuclear-weapon State undertakes to take appropriate measures to ensure that no person, company, enterprise or private, public, or semi-public body that is subject to its jurisdiction and is engaged in nuclear activities participates in any act which is prohibited by this article." (ENDC/197)

81. We have examined that suggestion most carefully to assess whether it deals with any significant or practical possibility of proliferation which is not already covered by the present text. Such an examination must begin with consideration of the realities of the situation. Nuclear-weapon programmes in nuclear-weapon States are controlled by governments. Such control is essential because national security is so directly involved. No government that wishes to remain a government could let that control out of its hands. For example, as Mr. DePalma pointed out at our meeting of 22 February, the laws of the United States already prohibit any disclosure of nuclear explosive devices (ENDC/PV.369, para.38). Furthermore, they prohibit private organizations or individuals in the United States from developing, manufacturing, acquiring or possessing nuclear explosive devices.

82. As these regulations in the United States illustrate, it is governments -- not private companies or private individuals -- that have been and will continue to be in control of work on nuclear weapons. Accordingly, it is the undertakings of governments with which we must be concerned in the treaty. These undertakings, as provided at present in article I, will effectively cut off all significant possibilities of assistance derived from a nuclear-weapon State programme from reaching a non-nuclear-weapon State.

83. The representative of the United Arab Republic also suggested that article II should provide that non-nuclear-weapon parties undertake --

"... not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices".

Once again, it is essential to view that suggestion in the perspective of practical and realistic considerations prevailing in the relations among States. Viewed in this perspective, it seems clear that a non-nuclear-weapon State which accepts the treaty's restrictions on itself would have no reason to assist another country not accepting the same restrictions to gain advantage from this fact in the field of nuclear-weapon

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development. If a non-nuclear-weapon party did nevertheless attempt to provide such assistance in the territory of a non-party, the presumption would immediately arise that these acts had the purpose of developing nuclear weapons for itself, in violation of the treaty.

84. I should add that, while articles I and II of the revised draft deal effectively with the problems raised by the representative of the United Arab Republic, the new article III also has a direct bearing on them. It bears, for example, on Mr. Khallaf's question about the extent to which a signatory State would be obliged to adopt measures in order to extend the effect of the treaty, as far as the prohibitions enunciated in articles I and II are concerned, to cover any establishments, firms or persons that would be subject to the authority of the State in question (ENDC/PV.367, para. 13).

85. Although it is not possible to legislate complete control over every act of a private person or organization which might conceivably relate to the objectives of the treaty, the safeguard provisions will realistically and effectively guard against nuclear proliferation. Thus it is clear that non-nuclear-weapon States would be obligated under article III to accept the safeguards required by the article:

"... on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."

86. The treaty therefore ensures that source or special fissionable materials in non-nuclear-weapon States are not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices. In that connexion, I must emphasize that the treaty makes no distinction between privately or publicly owned nuclear materials. Thus there is a clear control in article III at the point where any significant danger would arise, that is, the point where source or special fissionable material is involved. Thus article III provides an effective and realistic way to meet this problem. While we fully appreciate the constructive purpose motivating the suggestions of the representative of the United Arab Republic, in our opinion they do not reveal significant or practical deficiencies in articles I and II as now drafted.

37. I am aware that the representative of the United Arab Republic, in his statement at our 367th meeting, raised other concerns about article III, as well as about articles V and VIII. These, I believe, have already been dealt with in earlier statements, in particular by Mr. DePalma at our 368th and 369th meetings. With regard

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to Mr. Khallaf's question about what would happen if safeguards agreements were not concluded within the time required by article III, we believe there is no reason why parties negotiating in good faith should not be able to conclude such agreements within the prescribed time periods.

88. Before concluding, however, I should like to comment on two questions which Mr. Khallaf raised regarding the preamble. First of all, he suggested -- as the representative of Romania had done earlier (ENDC/199) -- that the fourth paragraph of the preamble incorporate an explicit reference to General Assembly resolution 2028 (XX). The co-Chairmen have made clear several times the importance which they attached to this resolution in formulating their drafts, and have also dwelt at length on the extent to which the present draft accords with its principles. As the Committee knows, however, the resolution has been subject to interpretations about which some controversy unfortunately has arisen. At this stage in our work, I am convinced that we should not risk transferring this controversy about interpretation to the treaty itself by making the changes which the representatives of the United Arab Republic and Romania proposed. In any event, the present fourth preambular paragraph encompasses this and other equally important General Assembly resolutions.

89. Mr. Khallaf's second question concerning the preamble involved the sixth paragraph, which he suggested might be more appropriately found in the body of the treaty because of its technical character (ENDC/PV.367, para. 28). Regarding this point I should like to explain that the intent of this paragraph is to encourage the furtherance of safeguards techniques within the context of the International Atomic Energy Agency safeguards system, with the objective of increasing their effectiveness and their efficiency. As such, we regard the formulation as an expression of a principle and not as a technical detail. That is why we believe it is appropriately placed in the preamble.

90. Finally, since we wholly share the desire of the representative of the United Arab Republic to make this treaty as effective as possible, I want to assure him again that we believe it does deal in a realistic way with the practical and significant problems to which he alluded. However, while ensuring that the treaty does deal effectively with such problems, we must avoid encumbering the treaty with provisions designed to deal with largely hypothetical possibilities. Such provisions could pose unnecessary constitutional problems of implementation for some States. Here,

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as with other aspects of this treaty, we must strike a balance between what is essential and what might in ideal circumstances be desirable -- between attempts to deal with remote or unlikely contingencies and what all of us consider to be proper and necessary obligations of the parties.

91. Mr. de ARAUJO CASTRO (Brazil): I wish to associate myself with the representatives who have extended a welcome to Mr. Foster, the leader of the United States delegation. We are glad to know that we shall be able to benefit from his experience and wisdom; and we shall carefully study and consider the important statement he has made today.

92. I wish to reserve my right of reply as regards today's statement by the representative of the Soviet Union on the question of the peaceful uses of nuclear energy. Mr. Roshchin spoke of potential arsenals which might be developed by countries by evading the provisions of the treaty through some possible loop-hole. We think, however, that the same preoccupation should be shown with regard to the arsenals already existing, which appear to us to be much more dangerous and lethal than those which are merely hypothetical or potential.

93. Mr. Roshchin mentioned that all the representatives in this Committee were agreed that the conclusion of a non-proliferation treaty was urgent and highly desirable. I was glad to hear that, for that is our firm and positive view. That is why, before agreeing upon a draft, we must be satisfied that it meets the requirements of fairness and balance. It has been implied that, in spite of any possible shortcomings, the draft should be accepted as representing the maximum area of agreement yet attainable by the two super-Powers. However, in our opinion this maximum area of agreement may not be enough if it falls short of the minimum requirements of the General Assembly of the United Nations.

94. My delegation will give its utmost and most attentive consideration to the enlightening and extremely important statement made today by the representative of India. Mr. Husain raised points and issues of the highest relevance, and we view his statement as a most valuable contribution to our proceedings.

95. Mr. KHALLAF (United Arab Republic): I should like to say that my delegation has listened with the greatest interest to the statements made today by Mr. Roshchin and Mr. Foster. We are glad to have the clarifications which have been provided by our

(Mr. Khallaf, United Arab Republic)

co-Chairmen. Presumably those clarifications have been given by them not only as co-Chairmen but also as co-authors of the draft treaty -- a fact which confers important weight upon them. Needless to say, my delegation will consider those statements with the utmost care.

96. Let me add that my delegation shares the joy of all of us at seeing Mr. Foster back at this Conference and participating, as usual very actively, in our work.

The Conference decided to issue the following communiqué

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 370th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. A. Edelstam, representative of Sweden.

"Statements were made by the representatives of India, the USSR, the United States, Brazil and the United Arab Republic.

"The next meeting of the Conference will be held on Wednesday, 28 February 1968, at 10.30 a.m."

The meeting rose at 12.30 p.m.

